UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
JUL 24 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY [signature] DEPUTY

NOTICE OF DOCUMENT DISCREPANCIES

This space for Clerk's Office File Stamp

TO: ☐ U. S. DISTRICT JUDGE / ☒ U. S. MAGISTRATE JUDGE Nita L. Stormes

FROM: N/A Deputy Clerk RECEIVED DATE: 7/24/2008

CASE NO.: 08mj1358/08cr1565 DOCUMENT FILED BY: David E. Walters, Esq.

CASE TITLE: United States of America v. Angelica Maria Pinal

DOCUMENT ENTITLED: Letter to the Court Re: Immigration Status of Material Witness Maria Alvarado-Cruz

Upon the submission of the attached document(s), the following discrepancies are noted:

✓	*Local Rule*	*Discrepancy*
☐	5.1	Missing time and date on motion and/or supporting documentation
☐	5.3	Document illegible or submitted on thermal facsimile paper
☐	**5.4**	**Document not filed electronically. Notice of Noncompliance already issued.**
☐	7.1 or 47.1	Date noticed for hearing not in compliance with rules/Document(s) are not timely
☐	7.1 or 47.1	Lacking memorandum of points and authorities in support as a separate document
☐	7.1 or 47.1	Briefs or memoranda exceed length restrictions
☐	7.1	Missing table of contents
☐	15.1	Amended pleading not complete in itself
☐	30.1	Depositions not accepted absent a court order
☐		Supplemental documents require court order
☐		Default Judgment in sum certain includes calculated interest
☒		OTHER: L. Civ. R. 83.9 Improper *Ex Parte* Communication with the Court (Applicable to Criminal Cases pursuant to L. Crim. Rule 1.1.e.26): Attorney not admitted to practice in the Southern District of California - no pro hac vice application filed.

Date forwarded: 7/24/2008

ORDER OF THE JUDGE / MAGISTRATE JUDGE

IT IS HEREBY ORDERED:

☐ The document is to be filed nunc pro tunc to date received.

☒ The document is NOT to be filed, but instead **REJECTED**. It is further **ORDERED** that the Clerk of Court serve a copy of this order, in addition to a complete copy of the rejected submission, including all attached exhibits, on the following parties: 1) United States Attorneys Office, Criminal Division c/o Duty AUSA, Southern District of California, 880 Front Street, Room 6293, San Diego, CA 92101, 2) Robert E Schroth, Jr., Schroth and Schroth, 2044 First Ave., Ste 200, San Diego, CA 92101, and 3) David E. Walters, 325 South Maryland Parkway, Las Vegas, NV 89101.

Mr. Walters is advised that further communication with Judge Stormes' chambers staff, including her courtroom deputy, is hereby prohibited.

CHAMBERS OF: **NITA L. STORMES U.S. MAGISTRATE JUDGE**

Dated: 7/24/2008 By: LCa

cc: All Parties

K:\COMMON\FORMS\CIVCRM35.WPD
Form # Civ/Crim 35 (4/98) -- [Docuument Discrepancy / Court Order]

Received at: 12:31PM, 7/24/2008

REJECTED

Law Office of David E. Walters

325 South Maryland Parkway
Las Vegas, NV 89101
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Spanish: 702-485-6414
Fax: 702-485-6545
Email: info@yourimmigrationattorney.net
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July 24, 2008

VIA FACSIMILE ONLY
(619) 702-9933
Hon. Nita L. Stormes
U.S. District Court Southern District of California
Courtroom "F"
940 Front Street
San Diego, CA 92101-8900

Attn: George Perrault, Courtroom Deputy

Re: ALVARADO CRUZ, Maria Eugenia/aka ALVARADO CRUZ, Maria Pena

Dear Honorable Stormes:

Please be advised that this office represents the aforementioned alien in her immigration matters only. However, her assistance to the United States of America in a case against Defendant Angelica Maria Pinal in a case tried in this court (Magistrate Case No: 08MJ1358 or 08CR1565-DMS) may qualify the aforementioned alien for a visa to remain in this country.

We received a phone call today, July 24, 2008, at approximately 9:40 a.m. from Officer Richard Otero that the Border Patrol was appearing ex parte before this honorable court to obtain a warrant to arrest the aforementioned alien. We respectfully submit that the Border Patrol have a Notice To Appear before the Immigration Court as the only issue with the aforementioned alien relates whether or not she is eligible for a visa to remain in this country.

We believe that Officer Otero has petitioned this court for a warrant because he intends to deport her and deny both her opportunity to have her visa petition approved and/or adjudicated by the immigration court. The basis of this belief is that Officer Otero provided this office with documents containing false information related to alien's registration number with the USCIS. On or about July 7, 2008, Officer Otero provided